

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kyung-geun LEE, et.al.

Serial No. To be assigned

Group Art Unit:

Filed:

Examiner:

For: INFORMATION STORAGE MEDIUM AND RECORDING AND/OR  
REPRODUCING METHOD THEREOF

**PETITION TO MAKE SPECIAL: SPECIAL EXAMINING PROCEDURE**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request that the above-identified application be advanced out of turn for examination in accordance with 37 C.F.R. §1.102(d) and MPEP §708.02VIII - Special Examining Procedure for Certain New Applications-Accelerated Examination. In accordance with MPEP §708.02VIII, each of the requirements therein have been met by the Applicants.

These requirements have been complied with as follows:

- (A) the \$130 fee set forth in 37 CFR 1.17(h) is enclosed herewith;
- (B) all claims (claims 1-16) are submitted as being directed to a single invention;
- (C) a pre-examination search was made, evidence of which is enclosed in Attachment A listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc.;
- (D) one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (E) a detailed discussion of the references is enclosed in Attachment A, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

**Serial No. Not Assigned**

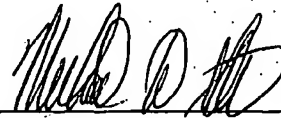
**Docket No. 1293.1459**

Based on the foregoing and the enclosed Attachment A, the Petition to make the above-identified application special and to be advanced out of turn for examination is respectfully requested.

Should any questions arise from this Petition, the Examiner in charge of the above-identified application is requested to contact the Applicants' attorney listed below.

If any further fees are required in connection with the filing of this Petition, please charge the same to our deposit account number 19-3935.

Respectfully submitted,  
STAAS & HALSEY



Michael D. Stein  
Registration No. 37,240

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

Date: 7/31/03

## ATTACHMENT A

I. CLASSES AND SUBCLASSES SEARCHED

Applicants have caused a pre-examination search in June of 2003 to be made which included the following classes and subclasses:

Class 369 Dynamic Information Storage or Retrieval

Subclass 30.04 using recorded information indicative of storage medium contents

Subclass 30.07 specific contents information modification processing

Subclass 47.1 control of storage or retrieval operation by a control signal to be recorded or reproduced

Subclass 47.15 control of information signal processing channel

Subclass 59.11 binary signal processing controlling recording light characteristic

Subclass 59.25 format arrangement processing and auxiliary information

A computer keyword searching was also conducted using the PTO EAST search system.

II. PUBLICATIONS UNCOVERED:

From the pre-examination search and from other sources, the following publications were uncovered. The below publications are again listed on the enclosed PTO-Form 1449 and Attachment 1(g) for the convenience of the Examiner. The submission of the below publications does not represent an admission by the Applicants as to the status or usability of the below publications alone or in combination under 35 U.S.C. §§102 and 103 against the invention as claimed. A copy of each of the below references is provided.

<u>U.S. Patent No.</u>	<u>Inventor(s)</u>
5,687,397	Ohmori
5,737,639	Ohmori
5,825,726	Hwang et al.
5,914,917	Bae
6,038,208	Shikunami et al.
6,122,436	Okada et al.
6,128,264	Tsutsui
6,137,769	Sawada et al.
6,243,343	Ishimura et al.
6,424,615	Ishimura et al.
6,459,666	Yokoi
6,469,963	Sawada et al.

<u>U.S. Patent Publication No.</u>	<u>Inventor(s)</u>
20020006084	Kawashima et al.

20020181376	Acker
20030012088	Bakx et al.
20030063540	Kato et al.
20030067859	Weijenbergh et al.
20030086345	Ueki
20030090981	Yokoi

Other Publications

DRX-510 UL, High Performance External Dual RW DVD/CD Recorder for Microsoft Windows Operating Systems (Sony Electronics Inc. 2003)

DRU-510A High Performance Dual RW DVD/CD Recorder for Microsoft Windows 98SE, Windows Millennium Edition, Windows 2000, and Windows XP Operating Systems (Sony Electronics Inc. 2003)

**III. INDEPENDENT CLAIMS PRESENTED FOR EXAMINATION**

By way of review and for the convenience of the Examiner in reviewing the instant Petition, the broadest independent claims are presented:

1. A method of recording/reproducing information on/from an information storage medium by utilizing control information including version information, timing information, and recording speed information, the method comprising:
  - recording and/or reproducing existing control information with respect to a predetermined first area of the information storage medium; and
  - recording and/or reproducing updated control information with respect to another area of the information storage medium other than the first area,wherein the version number information of the existing and updated control information includes a predetermined set of parameters used for recording and/or reproducing data with respect to the information storage medium.
9. A recording and/or reproducing apparatus to record and/or reproduce data with respect to an information storage medium having disc information including existing control information and updated control information, the apparatus comprising:
  - an optical pickup to transfer data with respect to the information storage medium; and

a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium; to determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information,

wherein each of the existing and updated control information includes version information, timing information, and recording speed information.

#### **IV. DETAILED DISCUSSION OF THE PUBLICATIONS AS COMPARED TO BROADEST CLAIMS**

As evident from the below descriptions, it is respectfully submitted that at least claims 1 and 9 are patentable over the below publications, to the extent the publications are useable alone or in combination under 35 U.S.C. §102 and/or §103.

1) Ohmori (U.S. Patent No. 5,687,397)

Ohmori (U.S. Patent No. 5,687,397) describes a magneto optical recording medium that has first and second management information used by a magneto optical recording and reproducing system to reproduce both audio data and non-audio data. The first and second management information are recorded in corresponding different areas. The first management information corresponds to management information for use with audio data according to an audio U-TOC, whereas the second management information is management information for use with non-audio data according to a data U-TOC. When an apparatus 10 reads a disk 1, the apparatus reads a p-TOC to determine a start of the audio U-TOC and to determine a start of the data U-TOC. Where data is to be added, the data U-TOC is updated. By having the first and second management information, the disk 1 is further backward compatible with devices that can only use audio data. (Col. 2, lines 23-41, col. 3, lines 40-47, col. 8, lines 10-38, col. 8, line 66 to col. 9, line 6; FIGs. 2, 5 and 23). However, there is no suggestion that the first and second management information includes additional information used to control recording or reproduction of either the audio data or the data, or that control information is selectively detected according to the type of apparatus as opposed to the type of data to be reproduced or recorded.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Ohmori does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Ohmori does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, *to determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

2) Ohmori (U.S. Patent No. 5,737,639)

Ohmori (U.S. Patent No. 5,737,639) is a divisional claiming the benefit of Ohmori (U.S. Patent No. 5,687,397). As such, it is respectfully submitted that claims 1 and 9 are patentable over Ohmori (U.S. Patent No. 5,737,639) for reasons set forth above in Section IV(2).

3) Hwang et al. (U.S. Patent No. 5,825,726)

Hwang et al. (U.S. Patent No. 5,825,726) is drawn to a multi-session compact disc (CD) in which each session includes a corresponding lead in area having information on start positions for tracks in the each session and information regarding another session. A total table of contents TTOC is used to indicate starting positions of the contents of each session without having to successively read each TOC within each of the lead in areas. The total table of contents TTOC is recorded when the CD is finalized. A lead in area is an area in which data is stored regarding the data stored in each session as well as the TOC for each session. Further, software is installed in the system controller 113 according to a format of the CD to be recorded. (Col. 2, lines 17-23 & 51-58, col. 5, lines 53-58, col. 8, lines 7-17; FIGs. 1 and 7 through 8b). However, there is no suggest that the lead in areas for each session or the total table of contents TTOC includes, beyond positional information for the contents, additional information used to control recording or reproduction of the contents, or that control information

is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Hwang et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Hwang et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to *determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

4) Bae (U.S. Patent No. 5,914,917)

Bae (U.S. Patent No. 5,914,917) discloses an apparatus and method that rewrites a user table of contents (UTOC) for use with a digital versatile disc (DVD) recorder. The UTOC is rewritten when a new program is recorded so as to update the track numbers for the tracks recorded on the DVD to reflect the new program. The UTOC records start and stop information for each recorded program. (Col. 1, lines 56-60, col. 4, line 60 to col. 5, line 5; FIGs. 1-4) However, there is no suggestion that the UTOC is updated other than to reflect new track numbers or to include other information used to control recording or reproduction of the contents, or that control information is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording*

and/or reproducing data with respect to the information storage medium". As such, it is respectfully submitted that Bae does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Bae does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

5) Shikunami et al. (U.S. Patent No. 6,038,208)

Shikunami et al. (U.S. Patent No. 6,038,208) discloses recording techniques used at record first data in a first data area A and to record second data at a higher density in second data area B. The music source for the music data recorded in the first and second data areas A and B is the same, but the second data has a higher sampling rate than the first data. In order to be backward compatible, an unused bit in a table of contents (TOC) in a read in area A1 indicates the existence of the second data area B. Since the bit is unused in an existing player, the second data area B is ignored and only the first data area A is read. If the player is capable of reading the second data, the TOC is used to detect the second data area B. (Col. 6; lines 14-50, col. 18, lines 10-24; FIG. 1). However, there is no suggestion that the TOC includes other information that is used to selectively control recording or reproduction of the contents, or that control information is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the version number information of the existing and updated control information includes a predetermined set of parameters used for recording and/or reproducing data with respect to the information storage medium". As such, it is respectfully submitted that Shikunami et al. does not disclose or suggest the invention recited in claim 1.



Similarly, it is respectfully submitted that Shikunami et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, *to determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

6) Okada et al. (U.S. Patent No. 6,122,436)

Okada et al. (U.S. Patent No. 6,122,436) discloses a DVD reproducing apparatus that reproduces a DVD-RAM. The DVD-RAM stores audio and still picture data to be reproduced simultaneously using a conventional MPEG decoder by recording dual MPEG streams as a single MPEG stream. In order to accomplish the single stream, limits are placed on the time stamps encoded by the encoder. (Col. 11, lines 7-23, FIGs. 1-2(b), 12, and 13-17(b)). However, there is no suggestion that the single stream has additional information other than management information for use in simultaneously replaying the still picture data and the audio data, that such additional information is used to control recording or reproduction of the contents, or that control information is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Okada et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Okada et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, *to determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the

determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

7) Tsutsui (U.S. Patent No. 6,128,264)

Tsutsui (U.S. Patent No. 6,128,264) discloses a recording/reproducing device for use with a magneto-optical disc 1 and which is designed to cope with a new standard and an old standard of encoding (referred to as A and B codecs). The magneto-optical disc 1 records mode data indicative of which data is encoded according to the A codec or the B codec in management data. The recording/reproducing apparatus has a controller 57 that, during recording, detects and records the recording mode as the A or B codec, and, if the B codec is used, informs the user that the recorded data needs to be reproduced using an apparatus capable of decoding the B codec. During reproduction, the controller detects from the management data whether the data is encoded using the A or B codec, and reproduces the data according to the corresponding A or B codec. (Col. 8, lines 51-62, col. 25, line 15-66, and col. 26, lines 16-55; FIGs. 4, and 11-14). However, there is no suggestion that management information has additional information, other than information on different encoding standards, that is used to control recording or reproduction as does the control information recited in claims 1 and 9, or that the additional information includes control information that is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Tsutsui does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Tsutsui does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to *determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated

control information includes version information, timing information, and recording speed information" as recited in claim 9.

8) Sawada et al. (U.S. Patent No. 6,137,769)

Sawada et al. (U.S. Patent No. 6,137,769) discloses a recordable recording medium 10 which records control data in a PMA 13. The control data prevents the recording medium 10 from being read by a drive other than the writing drive. The control information can also allow access by a group of members using a password included in the PMA 13. (Col. 4, lines 4-35 and 53-58, col. 5, lines 3-26). However, there is no suggestion that the control data, beyond preventing access to the recording medium 10, includes different types of control data to control recording or reproduction, or that control information is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Sawada et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Sawada et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, *to determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

9) Ishimura et al. (U.S. Patent No. 6,243,343)

Ishimura et al. (U.S. Patent No. 6,243,343) discloses an optical disk 10 having volumes VOL 1 and VOL 2 that store corresponding data having different formats or which are reproducible only in certain CD-ROM drives. The volumes VOL 1 and VOL 2 have corresponding lead in areas LI1, LI2 which store information on the CD-ROM format and a table

of contents (TOC). When received by a compatible drive, the presence of both the volumes VOL1, VOL 2 is detected such that both can be accessed. When received by an incompatible drive, only the volume VOL. 1 can be read since the incompatible drive does not recognize the volume VOL. 2. (Col. 4, lines 50-67, col. 5, lines 1-13, col. 6, lines 3-38; FIGs. 1-3). However, there is no suggestion that the lead-in areas LI1 and LI2 includes different type of control data to control recording or reproduction as does the control information recited in claims 1 and 9, or that control information is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Ishimura et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Ishimura et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to *determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

10) Ishimura et al. (U.S. Patent No. 6,424,615)

Ishimura et al. (U.S. Patent No. 6,424,615) discloses an optical disk 10 having volumes VOL 1 through VOL 3 that can store corresponding data having different formats or which are reproducible only in certain CD or CD-ROM drives. The volumes VOL 1 through VOL 3 have corresponding lead in areas LI1, LI2, LI3 which store information on the CD-ROM format and a table of contents (TOC). When received by a compatible drive, the presence of both the volumes VOL1 through VOL 3 is detected such that all the volumes can be accessed. When received by an incompatible drive, only ones of the volumes can be read since the incompatible drive does not recognize others of the volumes. (Col. 8, lines 41-61, col. 18, lines 18-65, col.

19, lines 14-26; FIGs. 1, 15, and 16). However, there is no suggestion that the lead-in areas LI1, LI2, LI3 includes different type of control data to control recording or reproduction as does the control information recited in claims 1 and 9, or that control information is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Ishimura et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Ishimura et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, *to determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

11) Yokoi (U.S. Patent No. 6,459,666)

Yokoi (U.S. Patent No. 6,459,666) discloses an apparatus for recording information on a dye-based optical disk, such as a DVD, where the apparatus reads from the optical disk parameters involved in recording a pulse train on the optical disk. The parameters include  $T_{top}$ ,  $T_{mp}$ , and  $P_w$ . Using a linear approximation, variations in  $T_{top}$ ,  $T_{mp}$ , and  $P_w$  are calculated according to a change in a recording linear velocity. Recording is performed and the  $T_{top}$ ,  $T_{mp}$ , and  $P_w$  are varied according to the address at which the data is recorded using the resulting recording pulse train on the optical disk. (Col. 11, lines 24-67; FIGs. 3, 4, 8, and 9). However, there is no suggestion that an additional parameter set is read from the optical disk, or that a different parameter is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Yokoi does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Yokoi does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to *determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

12) Sawada et al. (U.S. Patent No. 6,469,963)

Sawada et al. (U.S. Patent No. 6,469,963) is a divisional of Sawada et al. (U.S. Patent No. 6,137,769). As such, it is respectfully submitted that claims 1 and 9 are patentable over Sawada et al. (U.S. Patent No. 6,469,963) for reasons set forth above in Section IV(8).

13) Kawashima et al. (U.S. Patent Publication No. 2002/0006084)

Kawashima et al. (U.S. Patent Publication No. 2002/0006084) discloses a recordable double density CD-R that holds twice as much data as a single density CD-R. The double density CD-R has a read-in area 13 that includes, as wobble information, special information including a target recording power, a recording speed, a disc-application code, a disc type, and a disc sub-type. The disc type includes whether the CD-R is single or double density, and the disc sub-type indicates a recording speed and whether the CD-R is a CAL or CLV type disc. An optical disc apparatus 20 for use with the double and single density CD-Rs records and reproduces data to/from the CD-Rs. The optical disc apparatus 20 detects whether the CD-R is a single or a double density CD-R according to the special information recorded in the read-in area 13, and records and reproduces data according to the detected type of CD-R. (Paragraphs 67, 68, 111; FIGs. 2A, 2B, and 14). However, there is no suggestion that additional information is included which pertains to additional special information for use in

controlling recording and reproduction, or that such additional special information is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Kawashima et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Kawashima et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to *determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

14) Acker (U.S. Patent Publication No. 2002/0181376)

Acker (U.S. Patent Publication No. 2002/0181376) discloses a recording device for writing information on a rewritable record carrier 11 that is capable of multisession recording, where the parameters for use in recording the information are encoded in ADIP. The parameters include disc category and version number, read power, reference velocities, and write powers for use in recording pulse trains. (Paragraphs 40, 42, and 58-109; FIGs. 1a through 2, FIG. 7). However, there is no suggestion that additional parameters are included for use in controlling recording and reproduction which can be selected instead of the listed parameters in FIG. 7, or that one of such additional parameters is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording*

and/or reproducing data with respect to the information storage medium". As such, it is respectfully submitted that Acker does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Acker does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, *to determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

15) Bakx et al. (U.S. Patent Publication No. 2003/0012088)

Bakx et al. (U.S. Patent Publication No. 2003/0012088) discloses a recording device for writing information on a rewritable record carrier 11, where control information for use in recording the information is recorded on the record carrier 11. The control information is recorded in an ADIP format and includes disc category and version number, read power, reference velocities, and write powers for use in recording pulse trains. (Paragraphs 35, 37, and 58; FIGs. 1a through 2, FIG. 7). However, there is no suggestion that additional parameters are included for use in controlling recording and reproduction which can be selected instead of the listed parameters in FIG. 7, or that one of such additional parameters is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Bakx et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Bakx et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, *to determine*



*which of the existing and updated control information corresponds to a drive control information usable by the apparatus, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.*

16) Kato et al. (U.S. Patent Publication No. 2003/0063540)

Kato et al. (U.S. Patent Publication No. 2003/0063540) discloses a device having a controller 21 which generates a waveform for writing information on a rewritable optical recording medium 10. The waveform includes pulses having T lengths and powers of  $P_w$ ,  $P_{bo}$ , or  $P_{bi}$ . (Paragraphs 43, 49, and 63-78; FIGs. 1 and 4(a) through 4(d)). However, there is no suggestion that any read parameters include additional parameters which can be selected instead of or in addition to the another of the parameters, or that one of such additional parameters is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Kato et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Kato et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to *determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

## 17) Weijenbergh et al. (U.S. Patent Publication No. 2003/0067859)

Weijenbergh et al. (U.S. Patent Publication No. 2003/0067859) discloses a recording device for writing information on a rewritable record carrier 11 that is capable of multisession recording, where disc information for use in recording the information is recorded on the record carrier 11. The control information is recorded in an ADIP format and includes disc category and version number, read power, reference velocities, and write powers for use in recording pulse trains. (Paragraphs 36, 40, and 63; FIGs. 1a through 2, FIG. 7). However, there is no suggestion that additional parameters are included for use in controlling recording and reproduction which can be selected instead of the listed parameters in FIG. 7, or that one of such additional parameters is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Weijenbergh et al. does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Weijenbergh et al. does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to *determine which of the existing and updated control information corresponds to a drive control information usable by the apparatus*, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

## 18) Ueki (U.S. Patent Publication No. 2003/0086345)

Ueki (U.S. Patent Publication No. 2003/0086345) discloses an apparatus for recording and reproducing information to/from a recordable optical disc, such as a DVD-RW. The information is recorded using a recording waveform having pulse widths of T and powers of Po, Pe, or Pb. The optical disc includes information in a lead-in area which includes land-pre pit

(LPP) information shown in FIG. 3 for an optical disc designed to be scanned at velocity selectable between a normal linear velocity, a 2-fold linear velocity, and up to an m-fold linear velocity using an OPC recommended code. The OPC recommended code is a code recommended by the disc maker and can include recording and erasing power levels  $P_o$ ,  $P_e$ . When the apparatus records the information, the LPP information is read and the pulse widths of T and powers of  $P_o$ ,  $P_e$ , or  $P_b$  are modified according to the selected velocity. (Paragraphs 47, 53, 56, 61, 89, 104, 114, 118; FIGs. 1-3, 5-8, 10, 12, 16). However, it is unclear to the extent to which Ueki, which was filed after the U.S. provisional filing date for the instant application, is usable as prior art such that claims 1 and 9 are patentable over Ueki due at least to Ueki not being usable as prior art under 35 U.S.C. §102.

19) Yokoi (U.S. Patent Publication No. 2003/0090981)

Yokoi (U.S. Patent Publication No. 2003/0090981 is a continuation in part of Yokoi (U.S. Patent No. 6,459,666) and also discloses an apparatus for recording information on a dye-based optical disk, such as a DVD, where the apparatus reads from the optical disk parameters involved in recording a pulse train on the optical disk. The parameters include  $T_{top}$ ,  $T_{mp}$ , and  $P_w$ . Using a linear approximation, variations in  $T_{top}$ ,  $T_{mp}$ , and  $P_w$  are calculated according to a change in a recording linear velocity. Recording is performed and the  $T_{top}$ ,  $T_{mp}$ , and  $P_w$  are varied according to the address at which the data is recorded using the resulting recording pulse train on the optical disk. According to an embodiment shown in FIG. 31, a DVD driver 23 utilizes the method of FIG. 8 in order to record data on a DVD at X-times speed. (Paragraphs 102-106, 245, and 251; FIGs. 3, 4, 8, 9, and 31). However, there is no suggestion that an additional parameter set is read from the optical disk, or that a different parameter is selectively detected according to the type of apparatus to perform the recording or reproduction.

In contrast, claim 1 recites, among other features, "existing control information" and "updated control information," where "the *version number information* of the existing and updated control information includes a predetermined set of parameters *used for recording and/or reproducing data* with respect to the information storage medium". As such, it is respectfully submitted that Yokoi does not disclose or suggest the invention recited in claim 1.

Similarly, it is respectfully submitted that Yokoi does not disclose or suggest, among other features, "a controller which controls the optical pickup to detect the existing and updated control information from a first area of the information storage medium, to *determine which of the existing and updated control information corresponds to a drive control information usable*

by the apparatus, and to control the optical pickup to transfer the data with respect to a second area of the information storage medium other than the first area according to the determined one of the existing and updated control information," "wherein each of the existing and updated control information includes version information, timing information, and recording speed information" as recited in claim 9.

- 20) DRX-510 UL, High Performance External Dual RW DVD/CD Recorder for Microsoft Windows Operating Systems (Sony Electronics Inc. 2003)

DRX-510 UL, High Performance External Dual RW DVD/CD Recorder for Microsoft Windows Operating Systems (Sony Electronics Inc. 2003) discloses a DUAL RW DVD/CD recorder having a maximum 4X recording speed for DVD±RW, whereas a maximum recording speed for other DVD±RW recorders is 2.4 x. The DUAL RW DVD/CD recorder is able to write at both the 2.4 x and the 4 x recording speeds. However, it is unclear as to what mechanism is used by the DUAL RW DVD/CD recorder to determine the recording speed, or whether the DUAL RW DVD/CD recorder is compliant with versions 1.1 or 1.2 of the DVD±RW specification. Further, it is unclear to the extent to which this publication, which has a 2003 copyright date indicating a date of publication after the U.S. provisional filing date for the instant application, is usable as prior art such that claims 1 and 9 are patentable over the publication due at least to the publication not being usable as prior art under 35 U.S.C. §102.

- 21) DRU-510A High Performance Dual RW DVD/CD Recorder for Microsoft Windows 98SE, Windows Millennium Edition, Windows 2000, and Windows XP Operating Systems (Sony Electronics Inc. 2003)

DRU-510A High Performance Dual RW DVD/CD Recorder for Microsoft Windows 98SE, Windows Millennium Edition, Windows 2000, and Windows XP Operating Systems (Sony Electronics Inc. 2003) discloses a DUAL RW DVD/CD recorder having a maximum 4 x recording speed for DVD±RW; whereas a maximum recording speed for other DVD±RW recorders is 2.4 x. The DUAL RW DVD/CD recorder has able to write at both the 2.4 x and the 4 x recording speeds. However, it is unclear as to what mechanism is used by the DUAL RW DVD/CD recorder to determine the recording speed, or whether the DUAL RW DVD/CD recorder is compliant with versions 1.1 or 1.2 of the DVD±RW specification. Further, it is unclear to the extent to which this publication, which has a 2003 copyright date indicating a date of publication after the U.S. provisional filing date for the instant application, is usable as prior

***Serial No. Not Assigned***

***Docket No. 1293.1459***

art such that claims 1 and 9 are patentable over the publication due at least to the publication not being usable as prior art under 35 U.S.C. §102.